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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/977,591	11/25/1997-	JUNICHI NAKATA	450100-4193	3294

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EXAMINER

TRAN, HAI V

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/977,591

Applicant(s)

NAKATA ET AL.

Examiner

Hai Tran

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-7, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: .

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments filed 09/10/02 have been fully considered but they are not persuasive.

Claim 1, Applicant argues "the Examiner do not appear to address the recipient as distinct from the device."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the recipient as distinct from the device) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this instant, the recipient (host controller 11) in Hermann clearly shows that it is distinct from 1<sup>st</sup> device in room 1 and 2<sup>nd</sup> device in room 2.

Applicant further argues "the Examiner do not appear to describe identifying the recipient as distinct from a device and so do not describe a remote control signal including an identification code identifying a recipient of the information signal."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., to describe identifying the recipient as distinct from a device and so to describe a remote control signal including an identification code identifying a recipient of the information signal) are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In this instance, since Hermann's remote control in each room is associated with corresponding electronics devices 27. The Hermann's remote control must has an identification code associated with it so the host 11 (recipient) could be able to distinguish between the commands signal of the remote control of room 1 and room 2 received. The host 11, then routes the received commands signal to control the appropriate devices 13, 15, and 17 as requested by RC of room 1 and 2 (Col. 4, lines 68-Col. 5, lines 12). The devices 13, 15 and 17, in turn, send the requested program selection to the corresponding room.

Claim 7, Applicant argues, " it is believed that claim 7 is not anticipated by nor rendered obvious by the teachings of Hermann et al., alone or in combination with Kimura."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Hermann does not disclose wherein the recipient detecting means (voice-operated remote control) comprising speech signal acquisition means

for acquiring a speech signal of the recipient of the information signal (remote control signal); and speech signal recognition means for identifying the recipient based on the speech signal, wherein the recipient of the information signal is detected based on the recognition result given by the speech signal recognition means.

Kimura discloses a voice operated remote control to operate various AV devices by way of voice (speech) command (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hermann system to incorporate a voice-operated remote control, as taught by Kimura, so the system could be operated with voice command based through sample operation of voice commands other than the operation of the keys.

### ***Allowable Subject Matter***

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-15 are allowed.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-6 and 11-12 are rejected under 35 U.S.C. 102(b) as being unpatentable by Hermann et al. (US 4885803).

Regarding claim 1, Hermann discloses an information signal transmission system (Fig. 1) comprising a first device and second device connected in a network 19 for providing a predetermined information signal through the first (device in room 1) and second devices (device in room 2); and

Recipient (host controller 11) detecting means for detecting a recipient of information signal (Col. 5, lines 3-7);

Since Hermann discloses all entertainment signals from SAT 13, VCR 15 and ANT 17 are fed through host controller 11 onto cable 19 and distributes all entertainment signals to room 1 and room 2, it's clearly that users in both rooms 1 and 2 could set the TV monitor 31 in both rooms to proper channel (i.e., channel 3) for watching SAT 13 programs simultaneously, based on users selection. Thus, the claimed limitation "Wherein the information signal that has been supplied to the recipient by the first device is continuously supplied to the recipient by the second device, based on the result detected by the recipient detecting means." Is met by Hermann disclosure (Col. 5, lines 34-65).

Regarding claim 2, Hermann further discloses wherein each of the first and second devices comprises an information signal output unit for outputting the information signal (Fig. 1, element 21), wherein the information signal comprises the one collected (Fig.1, element 11) by predetermined information signal acquisition means.

Regarding claim 3, Since Hermann system discloses user could use the remote control from room 2 to set the (second device) TV monitor 31 to proper channel (i.e, channel 3) for watching SAT 13 programs that is currently viewing at devices in Room 1. Thus Hermann's system clearly meets the claimed limitation of "wherein the second device switches the operation of information signal acquisition means based on the result detected by the recipient detecting means so that the second device continuously provides the recipient with the information signal that has been provided by the first device."

Regarding claim 4, Since Hermann system discloses user could use the remote control from room 1 to set the (First device) TV monitor 31 to proper channel (i.e, channel 3) for watching SAT 13 programs that is currently viewing at devices in Room 2. Thus Hermann's system clearly meets the claimed limitation of "wherein the first device switches the operation of information signal acquisition means based on the result detected by the recipient detecting means so that the second device continuously provides the recipient with the information signal that has been provided by the first device."

Regarding claims 5 and 6, Hermann's remote control is associated with corresponding electronic devices 13, 15, 17 (based on identification information added to a remote control signal) so the operation of the remote control signal in Room 1 and/or Room 2 is received at the host 11 could detect and differentiate the control signal from Room 1 and/or Room 2 (wherein the recipient detecting detects the recipient of the information signal) and selects proper electronic devices 17, 15,

13 for displaying corresponding programs selection on TV 31 in Room 1 and/or Room 2 (based on the operation of controls arranged in the first device and/or the second device). Thus Hermann clearly meets the claimed limitation of claim 5 and 6 (Col. 4, lines 56-65 and Col. 5, lines 1-12).

Regarding claim 11, Hermann further discloses wherein the information signal acquisition comprises a reproducing device for reproducing a video signal recorded in a predetermined recording medium (Fig. 1, element 15).

Regarding claim 12, see analysis of claims 5 and 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermann et al. (US 4885803) in view of Kimura (US 5226090).

Regarding claim 7, Hermann does not disclose wherein the recipient detecting means (voice-operated remote control) comprising speech signal acquisition means for acquiring a speech signal of the recipient of the information signal (remote control signal); and speech signal recognition means for identifying the recipient based on the speech signal, wherein the recipient of the information



signal is detected based on the recognition result given by the speech signal recognition means.

Kimura discloses a voice operated remote control to operate various AV devices by way of voice (speech) command (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hermann system to incorporate a voice-operated remote control, as taught by Kimura, so the system could be operated with voice command based through sample operation of voice commands other than the operation of the keys.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Fax Information**

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or Faxed to: (703) 872-9314**

For formal communication intended for entry or for informal or  
Draft communications; please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal  
Drive, Arlington, VA., Sixth Floor (Receptionist).

**Contact Information**

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Hai Tran whose telephone number is (703) 308-7372.  
The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00  
PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number  
for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or  
proceeding should be directed to the receptionist whose telephone number is (703) 306-  
0377.



ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

HT:ht  
November 5, 2002